THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 24087 of 2005

DATED: 30.01.2006

Between:

S.Venkateshwarlu.

… PETITIONER

AND

The Chairman and Managing Director and others.

… RESPONDENTS

ORDER:

The petitioners claim that they have worked as Contract Labour under a Labour Contractor, engaged by the respondents herein, between 1995 and 1999, against prohibited categories of works. Claiming relief under the scheme formulated by the respondents under B.P.Ms.No.36, dated 18.05.1997, the petitioners submitted applications. Initially, they were rejected, on the ground that the petitioners are not covered by the Scheme under B.P.Ms.No.36. Aggrieved thereby, the petitioners filed W.P.No.19401 of 2002. The Writ Petition was disposed of, with a direction to the respondents to consider the matter directly in terms of B.P.Ms.No.36, dated 18.05.1997. The 2nd respondent, accordingly, addressed a letter, dated 09.09.2004, rejecting the claims of the petitioners. By way of second round of litigation, the petitioners approached this Court by filing W.P.No.969 of 2005. This Court directed the respondents to verify the service record, submitted by the contractors as well

as the counter signatures of the officials vis-à-vis the claims of the petitioners. It is in this context that the 2nd respondent issued letter, dated 13.04.2005, rejecting the claims of the petitioners. The same is challenged in this Writ Petition.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

After referring to the various developments, the 2nd respondent stated in the impugned letter as under:

> *"5. The matter has therefore been again examined. On verification of the records it is found that the proforma containing information about the petitioners and the agreements under which they worked does not satisfy the compliance of the B.P.Ms.No36, Dt: 18-05-1997 in order to establish whether they were working on 18.05.1997 which was not indicated in the said proforma. Therefore, thorough verification of records including attendance registers was done and as the petitioners were not found to be working on 18.05.1997, it is informed. The petitioners are accordingly, informed that they could not be considered for appointment."*

The petitioners, on the other hand, have filed the proformas, which are to the effect that they have worked between 1995 and 1999. The particulars of agreements were also furnished. In Column No.5, which reads as "*whether the works executed relate to APSEB as on 18.05.1997*", it was endorsed as "*yes*". The proforma was counter signed by the Assistant Engineer and the Divisional Engineer of the areas concerned.

Except stating that the proforma, containing the information about the petitioners, does not satisfy the requirements under B.P.Ms.No.36, no reason is stated. The 2nd respondent is under obligation to state as to whether the doubt expressed by him is as to the genuinity of the proforma, or the particulars, contained therein. When valuable rights have accrued to the

petitioners, the 2nd respondent cannot reject their cases, just by observing that the particulars do not comply with the requirements under B.P.Ms.No.36, dated 18.05.1997.

For the foregoing reasons, the impugned letter, dated 13.04.2005, is set aside, and the Writ Petition is allowed. The 2nd respondent is directed to pass a reasoned order, indicating the grounds, on which he treats that the proforma submitted by the petitioners does not comply with the requirements under B.P.Ms.No.36. This exercise shall be completed within a period of two (2) months from the date of receipt of a copy of this order. There shall be no order as to costs.

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30.01.2006

Note: Issue C.C. in two days.

(B/o)

Jsu